

AGN. NO. \_\_\_\_\_

MOTION BY SUPERVISORS ZEV YAROSLAVSKY AND  
MARK RIDLEY-THOMAS

November 8, 2011

In February, 2010, the Exposition Construction Authority approved the Final Environmental Impact Report (FEIR) for the Exposition Phase 2 Light Rail Project (the Project). Neighbors for Smart Rail (NFSR), a community group, challenged the Project's compliance with CEQA and filed a suit in Superior Court. In March 2011, the Court ruled in the Authority's favor and determined that the environmental documents fully complied with CEQA. However, NFSR appealed the Superior Court ruling and the Court of Appeal is expected to hear the case in early 2012.

The Authority received and responded to over 9000 comments during the FEIR/EIR process. Hundreds of people attended multiple community meetings and hearings before the Authority board, where the project was approved and environmental documents were adopted. The environmental process took over three years and involved substantial community input as well as involvement and review from numerous local, state and federal agencies.

The Project is regionally significant and is part of the County's Long Range Transportation Plan and SCAG's Regional Transportation Plan. As an extension of the Exposition Phase 1 Light Rail line, the Project will connect the Westside to the county's existing rail network and help alleviate one of the county's most congested regions. It is fully funded and a design build contract has already been awarded.

MOTION

MOLINA \_\_\_\_\_

RIDLEY-THOMAS \_\_\_\_\_

YAROSLAVSKY \_\_\_\_\_

KNABE \_\_\_\_\_

ANTONOVICH \_\_\_\_\_

Two law firms are preparing amicus briefs in support of the project and in support of the Authority's position. The amicus briefs will indicate that the Project EIR complied with CEQA, particularly in its evaluation of the significance of traffic and air quality impacts. Further, the briefs will argue that the Authority has the discretion under CEQA to select the methodology for identifying the significance of traffic and air quality impacts.

It is in the County's interest to support the amicus briefs because the issues raised in this CEQA challenge could impact other county transportation and road improvement projects. Challenges to the lead agency's discretion on what methodology to utilize when determining traffic and air quality impacts is contrary to other appellate court rulings as well as FTA guidance, and could negatively impact other projects throughout the County.

**WE, THEREFORE, MOVE** that the Los Angeles County Board of Supervisors support the Exposition Construction Authority's position and join the amicus briefs that will be reviewed by the California Court of Appeal, Second Appellate District which state that the Exposition Phase 2 Light Rail Project EIR complies with CEQA and that the Authority has the discretion under CEQA to select the methodology for identifying the significance of traffic and air quality impacts.

**WE FURTHER MOVE** that County Counsel contact the Authority's counsel to join the amicus brief no later than November 14, 2011.

VR s:/motion/Expo Amicus Brief